

# DECISION

**No. 94, dated 04/02/2015.**

ON THE PROCEDURES WITH WEAPONS, IN THE CASES OF DECLARATION OF THEIR OWNER'S DEATH, DECLARATION OF LEGAL WINDING UP OF WEAPONS RELATED BUSINESS, STUDY PURPOSES, WEAPON OR ITS DOCUMENT/ AUTHORISATION LOSS OR THEFT

Pursuant to Article 100 of the Constitution, paragraph 3 of Article 44 of the Law No. 74/2014, dated 10/07/2014, "On weapons", upon the proposal of the Minister of Interior, the Council of Ministers

## DECIDED:

### I. DISPOSAL OF WEAPON UPON DEATH OF ITS OWNER

1. In case of death of the holder or collector of any type of weapon, his/her family members or relatives shall, within 10 (ten) days, give notice to the local police station where the weapons are registered, if known, or to the nearest police station.
2. The weapons shall be withdrawn from the police officer of the police station where they are registered and shall be taken into custody until such time that the legitimate heir shall take them and register ownership over them.
3. The sole and legitimate heir of the weapons or the one determined as such by all the other coheirs of the deceased, may request to purchase them, if he/she is authorised for weapons purchase by the police authority, or decide to sell them to entities (whether legal or natural persons) authorized for weapons purchase.
4. Upon elapsing of the 6 (six) month term from the death of the weapon owner, in case the heirs have not yet decided on the weapon destination, the competent authority of the State Police shall send the executive title of weapon authorisation revocation to the Bailiff's office in order to execute the decision, and the latter shall carry out the alienation of weapon possession through the public auction procedures.

### II. WEAPONS DISPOSAL UPON BUSINESS WINDING UP

5. The State Police authority, upon taking notice on the legal winding up of the business shall promptly, at the presence of the legal person, make the freezing of the licensed weapons and their ammunition, by keeping the relevant minutes and giving a copy to the interested party.
6. In case of legal winding up of the business carrying out licensed activities with weapons, the commission that has granted such license shall, by means of a decision, withdraw the license.

7. Pursuant to the decision of the central commission on license withdrawal, the police station shall be entitled to allow a term of up to 6 (six) months for the alienation of weapons possession, as per the effective law on weapons.

8. Upon expiry of this term, the competent authority of the State Police shall send the executive title of weapon authorisation revocation to the Bailiff's office in order to execute the decision, and the latter shall carry out the alienation of weapon possession through the public auction procedures.

9. The above mentioned rules shall apply the same even in the case where the respective commission withdraws the license to an entity for breaking the law.

### **III. DISPOSAL OF WEAPONS FOR STUDY PURPOSES**

10. By means of a final and binding court decision the weapons and ammunitions that are sequestered and confiscated in the quality of material evidence at the conclusion of court proceedings, , may be administered for study purposes by the Forensic Police, subject to the approval of the General Director of the State Police.

11. Weapons, their parts and ammunitions obtained for study purposes shall not be used for purposes other than that. Weapons, subject of scientific study, shall not be altered, replaced or modified in any parts of them, nor shall any notes be placed on them.

12. Weapons, their parts and ammunitions obtained for study purposes shall, at the conclusion of the study, be handed over to the central warehouse of the State Police.

13. The weapons requested to be permanently maintained by the State Police as exemplars, should be deactivated first. The approval on the quantity, type and calibration of weapons, for purposes of deactivating them, shall be given by the Minister of Interior. Deactivated weapons shall be sealed with "LB" initials.

### **IV. PROCEDURE FOR WEAPONS DECLARED AS LOST OR STOLEN**

14. The legal and natural person whose weapon, its parts or ammunition has been lost or stolen shall, within 24 hours from ascertaining the lost or theft, give notice to the police station where the weapon has been registered or where the incident has occurred.

15. The police station shall send the respective indictment on the weapon loss or theft to the Prosecutor's office in order to perform the respective investigation.

16. In the case of weapons loss or theft, the local commission shall review the circumstances and take a decision on the revocation of weapon authorisation. As regards the weapon ownership, the provisions of the Law no. 74/2014 "On weapons" and of this decision, shall apply respectively.

17. In the case of loss or theft of the authorisation for purchasing/holding a firearm or the authorisation as a collector and any other authorisation, even if it is temporary, the legal or natural person shall give notice to the police station where the incident has occurred.

18. Following the indictment procedure, the lost or stolen firearm shall be erased from the register of arms and shall be registered as lost weapon.

19. The Ministry of Interior shall be in charge of the enforcement of this decision.

This Decision shall enter into force after its publication in the Official Journal.

**PRIME MINISTER**

**Edi Rama**